

LPDES PERMIT NO. LA0000485, AI No. 42344

LPDES STATEMENT OF BASIS  
FOR THE DRAFT LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM  
(LPDES) PERMIT TO DISCHARGE TO WATERS OF LOUISIANA

- I.     **Company/Facility Name:**   Lula-Westfield, L.L.C.  
                                      Westfield Factory  
                                      Post Office Box 10  
                                      Paincourtville, Louisiana 70391
  
- II.    **Issuing Office:**           Louisiana Department of Environmental Quality  
                                      (LDEQ)  
                                      Office of Environmental Services  
                                      Post Office Box 4313  
                                      Baton Rouge, Louisiana 70821-4313
  
- III.   **Prepared By:**             Sonja Loyd  
                                      Industrial Permits Section  
                                      Water Permits Division  
                                      Phone #: 225-219-3090  
                                      E-mail: sonja.loyd@la.gov
  
- Date Prepared:**           December 22, 2009
  
- IV.    **Permit Action/Status:**  
  
       A. Reason For Permit Action:  
  
       Proposed reissuance of an expired Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term following regulations promulgated at LAC 33:IX.2711/40 CFR 122.46.  
  
       LAC 33:IX Citations: Unless otherwise stated, citations to LAC 33:IX refer to promulgated regulations listed at Louisiana Administrative Code, Title 33, Part IX.  
  
       40 CFR Citations: Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations in accordance with the dates specified at LAC 33:IX.2301, 4901, and 4903.  
  
       B.    LPDES permit - LPDES permit effective date: October 1, 2004  
              LPDES permit expiration date: September 30, 2009  
              EPA has not retained enforcement authority.  
  
       C.    Application received on March 26, 2009
  
- V.     **Facility Information:**  
  
       A.    Location - 451 Highway 1005 in Paincourtville, Assumption Parish  
              (Latitude 29°59'0.84", Longitude 91°04'56.96")

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B. Applicant Activity -

According to the application, Lula-Westfield, L.L.C., Westfield Factory, is an existing raw cane sugar factory which produces sugar and molasses.

C. Technology Basis - (40 CFR Chapter 1, Subchapter N/Parts 401, 405-415, and 417-471 have been adopted by reference at LAC 33:IX.4903)

Guideline

Reference

Louisiana Raw Cane Sugar

40 CFR 409, Subpart D

Raw Cane Sugar Processing

LAC 33:IX.707.D.2

Other sources of technology based limits:

Current LPDES permit (effective October 1, 2004)  
 Best Professional Judgement

D. Fee Rate -

1. Fee Rating Facility Type: Minor
2. Complexity Type: II
3. Wastewater Type: II
4. SIC code: 2061

VI. Receiving Waters:

STREAM - Armelise Canal

BASIN AND SUBSEGMENT - Terrebonne Basin, Subsegment No. 120206

DESIGNATED USES - a. primary contact recreation  
 b. secondary contact recreation  
 c. fish and wildlife propagation

VII. Outfall Information:

Outfall 001

- A. Type of wastewater - process wastewater (comprised of wastewaters from filter mud and fly ash, cane washwater, barometric condenser cooling water, floor washwater, steam condensate, and overflow from the spray cooling pond), and stormwater runoff
- B. Location - at the point of discharge from the pipe at the northern impoundment levee prior to combining with other waters at Latitude 29°59'5.6", Longitude 91°07'08".

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- C. Treatment - treatment of these wastewaters consists of:
  - sedimentation
  - stabilization
  - aeration (as needed)
- D. Flow - Seasonal, 4.43 MGD (Max 30-Day) [NOTE: Based on the flow values reported on the permittee's DMRs for the monitoring period of September 2007 through September 2009.]
- E. Receiving waters - Armelise Canal
- F. Basin and subsegment - Terrebonne Basin, Subsegment No. 120206

#### VIII. Proposed Permit Limits:

##### Summary of Proposed Changes From the Current LPDES Permit:

- A. A monthly average monitoring requirement for flow will be added in the draft permit which is consistent with the requirements being established in permits for this facility type.
- B. A daily maximum mass limit for TSS will be established in the draft permit in lieu of a daily maximum concentration limit. The mass limit will be established based on the guidelines cited at LAC 33:IX.707.D.2.b using the tons of sugar cane processed during the 2008 grinding season and the number of days of production. See Section IX of the Fact Sheet for additional information.
- C. The provision in Part II Conditions which required the permittee to comply with an annual average TSS discharge limit will be removed from the draft permit. This limit and the associated reporting requirements will not be included since the proposed daily maximum mass limit for TSS will always be more stringent than the annual average mass limit based on 40 CFR 409, Subpart D.
- D. A provision will be added in Part II.I which requires the permittee to submit analytical data as required by the Water Quality Regulations in accordance with Section III.C.4 of the IND Application. The permittee will not need to re-submit analytical data that was provided in the 2009 Application. This provision will require the facility to submit analytical data within one (1) year after the effective date of the permit. Upon submittal of the analytical data, the LDEQ may choose to modify this permit to change the effluent limits based on this information.
- E. The provision in the Part II Conditions that required submittal of DMRs to the Capital Regional Office will be removed from the permit since all DMRs sent to the Office of Environmental Compliance/Permit

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Compliance Unit are now scanned into Electronic Document Management System (EDMS) which is accessible to all LDEQ personnel.

#### IX. Permit Limit Rationale:

The following section sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit.

1. Outfall 001 - process wastewater (comprised of wastewaters from filter mud and fly ash, cane washwater, barometric condenser cooling water, floor washwater, steam condensate, and overflow from the spray cooling pond), and stormwater runoff

Lula-Westfield, L.L.C., Westfield Factory is subject to Best Practicable Control Technology Currently Available (BPT) and Best Conventional Pollutant Control Technology (BCT) effluent limitation guidelines listed below:

#### Manufacturing Operation

#### Guideline

Louisiana Raw Cane Sugar

40 CFR 409, Subpart D

Raw Cane Sugar Processing

LAC 33:IX.707.D.2

PARAMETER(S)	MASS, LBS/DAY unless otherwise stated		CONCENTRATION, MG/L unless otherwise stated		MEASUREMENT FREQUENCY (*1)
	MONTHLY AVERAGE	DAILY MAXIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	
Flow, MGD	Report	Report	---	---	Continuous
BOD <sub>5</sub>	---	---	10	15	1/week
TSS	---	2,443	---	---	1/week
Dissolved Oxygen	---	---	4 (Avg)	3 (Min)	1/week
pH (Standard Units)	---	---	6.0 (Min)	9.0 (Max)	1/week

(\*1) When discharging.

#### Site-Specific Consideration(s)

Flow - monitoring requirements are established in accordance with LAC 33:IX.2707.I.1.b. These requirements are consistent with the current permit.

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BOD<sub>5</sub> - limits are based on the Water Quality Regulations cited at LAC 33:IX.707.D.2.c and the current permit.

An annual average mass limit for BOD<sub>5</sub> will be established to comply with the federal guidelines cited at 40 CFR 409, Subpart D [409.42(b)]. The annual average limit for BOD<sub>5</sub> permitted to be discharged shall be calculated by multiplying the total tons of gross cane ground from the last season in which cane was ground by 1.26 lbs/ton, respectively. A reporting requirement will also be established that requires the permittee to report on an annual basis the total pounds of BOD<sub>5</sub> discharged, the total number of days that a discharge occurred, and the tons of gross cane ground during the last season in which cane was ground. See Part II.H of the draft permit.

TSS - the daily maximum technology-based mass limit will be established in the draft permit based on the guidelines cited at LAC 33:IX.707.D.2.b using the tons of sugar cane processed during the 2008 grinding season and the number of days of production. The calculations are provided below:

Tons of Sugar Cane Processed in 2008: 844,920 tons  
 Number of Days of Production: 83 days

To determine the production rate (tons/day), the following calculation was performed below:

$844,920 \text{ tons} / 83 \text{ days} = 10,180 \text{ tons/day (after rounding)}$

Based on this information, the proposed mass limits were calculated using the following equation:

$\text{Production Rate (tons/day)} * \text{Production-Based Factor (lbs/ton)} =$   
 mass limit (lbs/day)

#### TSS Limits

##### Daily Maximum

$10,180 \text{ tons/day} * 0.24 \text{ lbs/ton} = 2,443 \text{ lbs/day}$

The TMDL for Total Suspended Solids for the Grand Bayou and Little Grand Bayou was finalized on April 2, 2008. According to the TMDL assessment, this permittee was assigned a water quality-based mass limit (wasteload allocation) for TSS of 4,173 lbs/day using an average flow value of 10 MGD and the concentration limit for TSS of 50 mg/L from the current permit. This daily maximum water quality-based mass limit was compared against the daily maximum technology-based mass limit derived in accordance with the guidelines cited at LAC 33:IX.707.D.2.b. As a result, the technology-based mass limit was determined to be more stringent than the water quality-based mass limit from the TMDL assessment. Therefore, technology-based mass limits for TSS will be established in the draft permit.

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DO - limits are based on the Water Quality Regulations cited at LAC 33:IX.707.D.2.c and the current permit.

pH - limits are established in accordance with LAC 33:IX.1113.C.1. These requirements are consistent with the current permit.

#### STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENTS

In accordance with LAC 33:IX.2707.I.3 and 4 [40 CFR 122.44(I)(3) and (4)], a Part II condition is proposed for applicability to all storm water discharges from the facility, either through permitted outfalls or through outfalls which are not listed in the permit or as sheet flow. For first time permit issuance, the Part II condition requires a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit. For renewal permit issuance, the Part II condition requires that the Storm Water Pollution Prevention Plan (SWP3) be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. If the permittee maintains other plans that contain duplicative information, those plans could be incorporated by reference to the SWP3. Examples of these type plans include, but are not limited to: Spill Prevention Control and Countermeasures Plan (SPCC), Best Management Plan (BMP), Response Plans, etc. The conditions will be found in the draft permit. Including Best Management Practice (BMP) controls in the form of a SWP3 is consistent with other LPDES and EPA permits regulating similar discharges of stormwater associated with industrial activity, as defined in LAC 33:IX.2522.B.14 [40 CFR 122.26(b)(14)].

#### **TMDL Waterbodies**

Subsegment No. 120206 of the Terrebonne Basin is not listed on the 2006 Final Integrated 303(d) List as impaired since the all of the Total Maximum Daily Loading (TMDL) reports have been completed for this subsegment. The pollutants of concern were Organic Enrichment/Low Dissolved Oxygen (DO) and Suspended Solids. These pollutants of concern have been addressed in the following TMDL assessments:

##### Organic enrichment/low DO and Nutrients

The Grand Bayou Watershed TMDL for Biochemical Oxygen-Demanding Substances was finalized on April 15, 2008. Based on the results of this TMDL assessment, "the existing point sources have no impact on the main stem of Grand Bayou and require no changes to their permitted discharges". Therefore, the limits for BOD, will be retained from the current permit.

##### Suspended Solids

The TMDL for Total Suspended Solids for the Grand Bayou and Little Grand Bayou was finalized on April 2, 2008. According to the TMDL assessment, this permittee was assigned a water quality-based mass limit (wasteload allocation) for TSS of 4,173 lbs/day using an average flow value of 10 MGD

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and the concentration limit for TSS of 50 mg/L from the current permit. This daily maximum water quality-based mass limit was compared against the daily maximum technology-based mass limit derived in accordance with the guidelines cited at LAC 33:IX.707.D.2.b. As a result, the technology-based mass limit was determined to be more stringent than the water quality-based mass limit from the TMDL assessment. Therefore, technology-based mass limits for TSS will be established in the draft permit.

A reopener clause will be established in the permit to include more stringent limits, if needed, as a result of any modifications to the TMDLs.

**X. Compliance History/DMR Review:**

A. LDEQ records were reviewed for the period of December 2007 through December 2009. No water enforcement actions were issued during this time period. However, an air enforcement action (AE-CN-08-0032) was issued to this facility on September 17, 2008. Two amendments were also issued for this compliance action on November 7, 2008 and June 23, 2009. There are no other open enforcement actions listed for this facility under any other media during this time period.

B. A DMR review of the monitoring reports covering the monitoring period of October 2004 through June 2009 revealed that there were no effluent violations. However, the DMR review also revealed that the permittee failed to provide the annual BOD<sub>5</sub> and TSS discharge reports in accordance with the current permit.

A compliance referral was forwarded to the Office of Environmental Compliance/Water Enforcement Division on January 6, 2010, for the deficiencies noted above.

C. The most recent inspection was conducted on December 22, 2004. No areas of concern were noted.

A request to re-inspect this permittee's facility was forwarded to the Office of Environmental Compliance/Surveillance Division on January 6, 2010.

**XI. ENDANGERED SPECIES**

The receiving waterbody, Subsegment No. 120206 of the Terrebonne Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated January 11, 2010 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the

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issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

**XII. Historic Sites:**

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

**XIII. Tentative Determination:**

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to reissue a permit for the discharge described in the application.

**XIV. Public Notices:**

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List